

REMARKS

This amendment is being filed in response to the Office Action of February 27, 2003 in which the Examiner rejected claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by the Rios reference and rejected the remaining claims under 35 U.S.C. 103 on Rios alone or on the combination of Rios with Lehrer. Applicant respectfully requests reconsideration in view of the foregoing amendments to the claims and in view of the remarks that follow.

The Section 102 Rejection

Considering first the rejection under 35 U.S.C. 102 on the Rios reference, it should be understood that the Rios device is actually a scope that must be held by at least one hand so that the user can look through the eye piece of the scope. By contrast, applicant's invention does not require the use of hands to hold and direct the light source nor does it limit the field of view by the use of an eyepiece. In the applicant's invention, not just one but both eyes of the user are free to sweep the entire area before them.

Now, in making his rejection, the Examiner referred to three passages from Rios which were combined to reject claims 1 and 2. The first passage appearing in Rios is from column 2, lines 53-56 where it is stated:

"In the present invention, light from light source 10 is filtered by filter 15 to illuminate a fluorescent substance with light having a predetermined band of wavelengths, for example, 555 to 565 nanometers."

Applicant would like to point out that not only is the light from light source 10 in Rios required to be "filtered" as set forth in the above quoted passage but a "first filter" is required in claim 1, subparagraph (b). In addition, Rios requires a "light intensifier for

intensifying the reflected light". (See claim 1, subparagraph (c) and Rios' claim 24 requires the step of intensifying the reflected light. Neither a separate filter nor an intensifier is required by applicant's invention and the fact that applicant has eliminated the need for such devices is a key feature of applicant's invention.

Applicant's claim 1 is currently amended not only to clearly point out that applicant's light source is for on-site analysis but, more importantly, the light which is emitted from the light emitting diode, "as emitted", is sufficient to cause a dye to visibly fluoresce. Applicant has made the surprising discovery that cumbersome equipment such as an intensifier is not required. Reference is made to Figure 2 of the drawings where the preferred headband mounted apparatus and light source of the invention is shown with the light emitting diodes 18 pointing outwardly without any lenses or filters. In Figure 1, a user is shown with the headband mounted apparatus of Figure 2 and is using it to investigate a source for latent indicia such as fingerprints. By contrast, the device of Rios requires a "source of non-coherent light 10" (see Figure 1 of Rios) that is filtered to illuminate evidence A and the light reflected from evidence A must travel back through light intensifier 20 to be observed by an operator who is looking through the scope-like eye piece 35. Applicant eliminates the need for the intensifier 20 and the filters therein and also eliminates the need for the first filter 15 and the eyepiece 35. Thus, applicant presents a definite step forward in the art by eliminating the first filter and the intensifier of Rios so that light as emitted from said diode by itself causes the dye to fluoresce without the auxiliary filters, intensifiers, and eyepiece. Weight is reduced by applicant's invention and the hands are left free to dust and perform other tasks during an investigation. The speed of investigation is greatly improved and a

greater area of the surface being examined can be seen in one sweep thus lowering the possibility of missing something significant.

In the second passage which the Examiner referred to which appears in column 3 of Rios at lines 43-46 among the passage reads as follows:

"Light emitting diodes (LED) may be grouped and optically coupled to form a light source with a particular wavelength. LEDs, however, reduce the viewing area and have lower luminous intensity."

The above quotation is merely a prophetic statement that the light source of Rios may be a group of LEDs but the clear teaching of Rios here is that the "LEDs, however, reduce the viewing area...". This teaching of Rios, in effect, indicates that LEDs have definite drawbacks so that nobody would be led to actually use them. Thus, an anticipatory device can not be constructed from bits and pieces of the Rios reference, particularly, when Rios says LEDs reduce viewing and have lower luminous intensity.

Accordingly, applicant respectfully requests that the rejection over 35 U.S.C. 102 be withdrawn. Applicant has a completely different invention which one skilled in the art would not construct from bits and pieces of the Rios reference.

The Section 103 Rejection

Turning now to the rejections over 35 U.S.C. 103 in view of Rios alone or in combination with Lehrer, applicant would like to renew the distinctions over Rios which have been made in the foregoing paragraphs. Rios specifically teaches away from the use of LED light alone, but teaches that the light source must be combined with additional equipment. Rios dismisses the use of diodes as a source of light for examining a surface by stating that: "LEDs, however, reduce the viewing area and have lower luminous intensity."

Clearly, Rios gives no suggestion of making his device "hands free" because the Rios device as shown in Figure 2 is provided with a hand grip or pistol-like grip. Also, the need for the filters and intensifier which are requirements of the Rios invention would not allow Rios to be readily combined with the Lehrer reading light device. As mentioned above, Rios definitely and clearly teaches away from the use of LEDs and it is only by the use of LEDs that a device that is compact and light enough to be worn as part of a headband can be constructed. Thus, Rios teaches away from any combination with Lehrer.

Applicant has amended claim 9 to show that the light as emitted from the LED is used in the light source and the combination with Lehrer would not be obviously made. Accordingly, the rejection on 35 U.S.C. 103 of applicant's claims should be withdrawn.

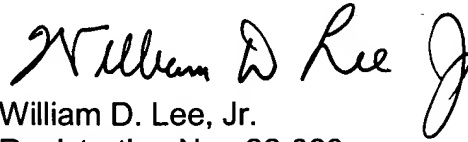
Claim 17 has been amended in the preamble as the device of Rios clearly can not be modified to be placed in a headband or headset without significant modification. Also, claim 17 has been amended to emphasize that the reflected light can be seen without a light intensifier, e.g., the reflected light can be seen by the "naked or human eye". In fact, it would take an inventive step just to do such a thing and this is what applicant has done, i.e., to make a light source using LEDs which is light and portable enough and which is not shown or suggested by the prior art.

Claim 20 has been added to include the additional feature of cooling the diodes.

For the foregoing reasons, applicant submits that a new and non-obvious means for detecting fingerprints has been invented; and, applicant respectfully requests

reconsideration of the claims as amended and a favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William D. Lee, Jr.", with a stylized flourish at the end.

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